

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GREGORY E. JOHNSTON. ARIE LEVINKRON Serial Number: 09/059,077 Filing Date: 04/09/98 For: MOBILE SURVEILLANCE SYSTEM	Group Art Unit: 2612 Examiner: LUONG NGUYEN Telephone: (571) 272-7315 FAX: (571) 273-7315
--	--

SUBMISSION OF AMENDED CLAIMS

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The examiner's rejection of certain claims was appealed to the Board of Patent Appeals and Interferences. The Decision by the Board resulted in the examiner being sustained in his rejection of claim 1, the only independent claim in the application.

Claims 4, 8-11, 15-17, and 22 were objected to as being dependent upon a rejected a base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In considering my options after the decision by the Board I consulted Section 1214.06 (Examiner Sustained in Whole or in Part) of the MPEP (Rev. 3, August 2005). Subsection II entitled CLAIMS STAND ALLOWED clearly applied since claims 4, 8-11, 15-17, and 22 were only an examiner's amendment away from being allowed. Section 1214.06 states:

" . . . every case, except applications in which all claims stand rejected after the Board's decision, is up for action by the examiner in the event no court review has been sought."

Subsection II states:

"The appellant is not required to file a reply. The examiner issues the application . . . on the claims which stand allowed.."